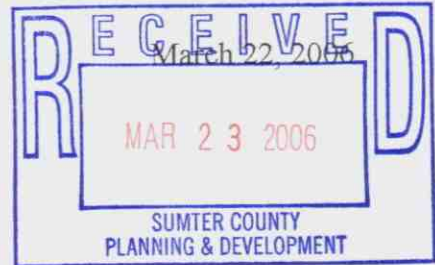

THE COLINAS GROUP, INC.
ENGINEERING AND ENVIRONMENTAL CONSULTANTS

Florida Department of Environmental Protection
13051 N. Telecom Parkway
Temple Terrace, FL 33637

Attention: Ms. Kelli Ford


Re: Florida Crushed Stone Company
St. Catherine Mine Industrial Wastewater Facility Permit FL0135372-005-IW3S
Sumter County, Florida



Dear Ms. Ford;

Please find attached Proof of Publication for the Notice of Draft Substantial Revision for the three (3) copies of DEP Form 62-620.910(12) for the referenced permit. The notices were published in The Daily Commercial and the Sumter County Times on March 7 and March 9, 2006, respectively. Thank you for the opportunity to submit this information. If you have any questions, please call.

Yours very truly,
THE COLINAS GROUP, INC.
ENGINEERING AND ENVIRONMENTAL CONSULTANTS


Mark R. Stephens, D.G., P.E.
Principal Consultant

attachment

cc: Mr. Matt Mouncey - Rinker Materials of Florida, Inc.
Mr. James Morris - Florida Crushed Stone Company
Mr. Roger Sims - Holland & Knight

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A DRAFT

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Rinker Materials Corporation
MAILING ADDRESS: 100 Lem Carnes Road
Davenport, FL 33837
FACILITY: Florida Crushed Stone-St. Catherine's Mine
LOCATION: 3919 County Road 673
Bushnell, FL 33513

PERMIT NUMBER FL0135372
LIMIT: Final
CLASS SIZE: Minor
MONITORING GROUP NUMBER: D-001
MONITORING GROUP DESC: Inactive Quarry No. 1

REPORT: Monthly
GROUP: Industrial

COUNTY: Sumter

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: To:

Parameter	Sample Measurement	Report (Mo. Avg.)	Report (Max.)	Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement			MGD					Continuous	Calculated
PARM Code 50050 1 Mon. Site No. FLW-1	Permit Requirement									
pH	Sample Measurement									
PARM Code 00400 1 Mon. Site No. EFF-1	Permit Requirement									
Turbidity	Sample Measurement					6.0 (Min.)	8.5 (Max.)	SU	Monthly, When Discharging	Grab
PARM Code 00070 1 Mon. Site No. EFF-1	Permit Requirement						29 (Max.)	NTU	Monthly, When Discharging	Grab
Specific Conductance	Sample Measurement									
PARM Code 00095 1 Mon. Site No. EFF-1	Permit Requirement						1275 (Max.)	UMHO/CM	Monthly, When Discharging	Grab
Temperature (C), Water	Sample Measurement									
PARM Code 00010 1 Mon. Site No. EFF-1	Permit Requirement						Report (Max.)	DEG.C	Monthly, When Discharging	Grab
Chloride (as Cl)	Sample Measurement									
PARM Code 00940 1 Mon. Site No. EFF-1	Permit Requirement						Report (Max.)	MG/L	Monthly, When Discharging	Grab

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)
<<< DRAFT ONLY >>>			

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DRAFT

DISCHARGE MONITORING REPORT - PART A DRAFT (Continued)

FACILITY:

Florida Crushed Stone-St. Catherine's Mine

MONITORING GROUP NUMBER: D-001
MONITORING PERIOD From: To

To

PERMIT NUMBER: FL0135372

DRAFT

Parameter	Sample	Quantity or Loading		Units		Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Fluoride, Total (as F)	Sample Measurement										
ARM Code 00951 1	Permit Requirement					Report (Max.)		MG/L		Monthly, When Discharging	Grab
ARM Code 00951 1	Sample Measurement										
ARM Code 00945 1	Permit Requirement					Report (Max.)		MG/L		Monthly, When Discharging	Grab
ARM Code 00923 1	Sample Measurement										
ARM Code 00923 1	Permit Requirement					Report (Max.)		MG/L		Monthly, When Discharging	Grab
ARM Code 01104 1	Sample Measurement										
ARM Code 01104 1	Permit Requirement					Report (Max.)		MG/L		Monthly, When Discharging	Grab
ARM Code 00556 1	Sample Measurement										
ARM Code 00556 1	Permit Requirement					5.0 (Max.)		MG/L		Monthly, When Discharging	Grab
ARM Code 45501 1	Sample Measurement										
ARM Code 45501 1	Permit Requirement					Report (Max.)		MG/L		Monthly, When Discharging	Grab
ARM Code 01114 1	Sample Measurement										
ARM Code 01114 1	Permit Requirement					Report (Day/Max.)		UG/L		Monthly, When Discharging	Grab
ARM Code 01114 P	Sample Measurement										
ARM Code 01114 Q	Permit Requirement					Report (Day/Max.)		UG/L		Monthly, When Discharging	Calculated
ARM Code 00900 1	Sample Measurement										
ARM Code 00900 1	Permit Requirement					Report (Day/Max.)		MG/L		Monthly, When Discharging	Grab

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A DRAFT

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Rinker Materials Corporation

PERMIT NUMBER

FL0135372

MAILING ADDRESS: 100 Lem Barnes Road
Davenport, FL 33837

LIMIT:
CLASS SIZE:

Final
Minor

REPORT:
GROUP:

Toxicity
Industrial

FACILITY:
LOCATION: Florida Crushed Stone-St. Catherine's Mine
3919 County Road 673
Bushnell, FL 33513

MONITORING GROUP NUMBER: D-001
MONITORING GROUP DESC: Inactive Quarry No. 1

COUNTY: Sumter

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
LC50 STATRE 96HOUR ACUTE Ceriodaphnia dubia(Routine)	Sample Measurement									
PARM Code TAN3B P Mon. Site No. EFP-1	Permit Requirement			100 (Min.)			PER- CENT		Every Other Month, When Discharging	1 grab/ 24 hour
LC50 STATRE 96HOUR ACUTE Ceriodaphnia dubia(Additional)	Sample Measurement									
PARM Code TAN3B Q Mon. Site No. EFP-1	Permit Requirement			100 (Min.)			PER- CENT		As needed	As required by the permit
LC50 STATRE 96HOUR ACUTE Cypripella leeds(Routine)	Sample Measurement									
PARM Code TAN6H P Mon. Site No. EFP-1	Permit Requirement			100 (Min.)			PER- CENT		Every Other Month, When Discharging	1 grab/ 24 hour
LC50 STATRE 96HOUR ACUTE Cypripella leeds(Additional)	Sample Measurement									
PARM Code TAN6H Q Mon. Site No. EFP-1	Permit Requirement			100 (Min.)			PER- CENT		As needed	As required by the permit
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									
	Sample Measurement									
	Permit Requirement									

*IF A SECOND DEFINITIVE TEST IS REQUIRED, ENTER THE RESULT IN AN EMPTY ROW.

**ENTER NODE=9 IN THE RESULTS COLUMN IF NO DISCHARGE OCCURRED DURING THIS REPORTING PERIOD.
ENTER NODE=9 IN THE RESULTS COLUMN IF NO DEFINITIVE TESTS ARE REQUIRED.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (Y/Y/M/M/DD)
<<< DRAFT ONLY >>>			

DRAFT

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A DRAFT

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Rinker Materials Corporation
 MAILING ADDRESS: 100 Lem Carnes Road
 Davenport, FL 33837

PERMIT NUMBER: FL0135372
 LIMIT: Final
 CLASS SIZE: Minor
 MONITORING GROUP NUMBER: D-002
 MONITORING GROUP DESC: Inactive Quarry A (Emergency Only)

FACILITY: Florida Crushed Stone-St. Catherine's Mine
 LOCATION: 3919 County Road 673
 Bushnell, FL 33513

COUNTY: Sumter
 NO DISCHARGE FROM SITE: ☐
 MONITORING PERIOD From: To

Parameter	Sample	Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement							
ARM Code 50050 1	Permit Requirement	Report (Mo.Avg)	MGD				Continuous	Calculated
Location: Site No. ELW-2	Sample Measurement	Report (Day.Max)						
ARM Code 00400 1	Permit Requirement			6.0 (Day.Min)	8.5 (Day.Max)	SU	Monthly, When Discharging	Grab
Location: Site No. EFF-2	Sample Measurement							
ARM Code 00070 1	Permit Requirement				29 (Day.Max)	NTU	Monthly, When Discharging	Grab
Location: Site No. EFF-2	Sample Measurement							
Specific Conductance	Sample Measurement							
ARM Code 00095 1	Permit Requirement				1275 (Day.Max)	UMHO/CM	Monthly, When Discharging	Grab
Location: Site No. EFF-2	Sample Measurement							
Temperature (C), Water	Sample Measurement							
ARM Code 00010 1	Permit Requirement				Report (Max)	DEG.C	Monthly, When Discharging	Grab
Location: Site No. EFF-1	Sample Measurement							
Chloride (as Cl)	Sample Measurement							
ARM Code 00940 1	Permit Requirement				Report (Day.Max)	MG/L	Monthly, When Discharging	Grab
Location: Site No. EFF-2	Sample Measurement							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

<<< DRAFT ONLY >>>

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)
COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):			

DRAFT

DISCHARGE MONITORING REPORT - PART A DRAFT (Continued)

FACILITY: Florida Crushed Stone-St. Catherine's Mine

MONITORING GROUP NUMBER: D-002
MONITORING PERIOD From: _____ To: _____

PERMIT NUMBER: FL0135372

Parameter		Quantity or Loading	Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
Fluoride, Total (as F)	Sample Measurement								
PARM Code 00951 1	Permit Requirement			Report (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Sulfate, Total	Measurement								
PARM Code 00945 1	Permit Requirement			Report (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Sodium, Total Recoverable	Measurement								
PARM Code 00923 1	Permit Requirement			Report (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Aluminum, Total Recoverable	Measurement								
PARM Code 01104 1	Permit Requirement			Report (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Lead, Total Recoverable (effluent)	Measurement								
PARM Code 01114 1	Permit Requirement			Report (Day,Max.)		UG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Lead, Total Recoverable (calculated limit)	Measurement								
PARM Code 01114 P	Permit Requirement			Report (Day,Max.)		UG/L		Monthly, When Discharging	Calculated
Mon. Site No. EFR-2	Sample								
Lead, Total Recoverable (effluent minus calculated limit)	Measurement								
PARM Code 01114 Q	Permit Requirement			0.00 (Day,Max.)		UG/L		Monthly, When Discharging	Calculated
Mon. Site No. EFR-2	Sample								
Hardness, Total (as CaCO3)	Measurement								
PARM Code 00900 1	Permit Requirement			Report (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Oil and Grease	Measurement								
PARM Code 00556 1	Permit Requirement			5.0 (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								
Petrol Hydrocarbons, Total Recoverable	Measurement								
PARM Code 45501 1	Permit Requirement			Report (Day,Max.)		MG/L		Monthly, When Discharging	Grab
Mon. Site No. EFR-2	Sample								

DRAFT

PERMITTEE NAME: Kinker Materials Corporation
MAILING ADDRESS: 100 Lem Carnes Road

Davenport, FL 33837

Davenport, FL 33837

FACILITY: Florida Crushed Stone-St. Catherine's Mine
LOCATION: 3919 County Road 673

Bushnell, FL 33513

COUNTY: Sumter

Suniter

PERMIT NUMBER

FL0135372

LIMIT:
CLASS SIZE:

Final
Minor

MONITORING GROUP NUMBER:	D-002
MONITORING GROUP DESC:	Inactive Quarry A

NO DISCHARGE FROM SITE: ☐ From: _____ To: _____
MONITORING PERIOD

*IF A SECOND DEFINITIVE TEST IS REQUIRED, ENTER THE RESULT IN AN EMPTY ROW.
**ENTER NOD=9 IN THE RESULTS COLUMN IF NO DISCHARGE OCCURRED DURING THIS REPORTING PERIOD.
ENTER NOD=9 IN THE RESULTS COLUMN IF NO DEFINITIVE TESTS ARE REQUIRED.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT

TELEPHONE NO.

DATE (YY/MM/DD)

<<< DRAFT ONLY >>>

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions as well as the SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data. When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

- Results greater than or equal to the PQL shall be reported as the measured quantity.
- Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
- Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A - DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

03 MAY 1994

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-60, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanations: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MOD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

March 1, 2006

In the Matter of an
Application for Permit by:

Rinker Materials Corporation
Mr. Matt Mouncey, Environmental Manager
100 Lem Carnes Road
Davenport, FL 33837

PA File No. FL0135372-005-IW3S
Sumter County
Florida Crushed Stone-St. Catherine's Mine
FL0135372

NOTICE OF DRAFT SUBSTANTIAL REVISION

The Department of Environmental Protection gives notice of its preparation of a draft permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below.

The applicant, Rinker Materials Corporation, applied on April 7, 2004 to the Department of Environmental Protection for a substantial revision to the existing permit to operate an industrial wastewater treatment and disposal system at a limestone mine. The operation consists of dewatering the active mine quarries through the use of pumps that discharge the water to a series of inactive quarries. These inactive quarries are 70 to 90 feet deep and make up the settling/treatment system for the mining operation. Water re-circulates through the treatment system by gravity through two culverts constructed under County Road 673 until it reaches Outfall D-001 in the northeast corner of Quarry No. 1. Outfall D-002 on the east side of Inactive Quarry A will be used as an emergency only discharge location during abnormal hydrogeological conditions (discharge at an elevation above 57.1 feet NGVD). Small fine particles of clay and limestone are suspended in the water during mining operation and then settle out of the water column. The system allows for recharge back into the aquifer. Excess wastewater flows through Outfall D-001 or Outfall D-002 along Corbett Run and finally to Corbett Sink. The facility is located at latitude 28°36'5" N, longitude 82°10'15" W on 3919 County Road 673, Bushnell, FL 33513 in Sumter County.

The Department has permitting jurisdiction under Chapter 62-620. The project is not exempt from permitting procedures. The Department has determined that a wastewater permit is required for the proposed work.

Under Section 403.815, Florida Statutes, and Rule 62-620.550(2), Florida Administrative Code, you (the applicant) are required to publish at your own expense the enclosed Notice of Draft Permit and Request For Public Comment. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, Florida Statutes, in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used should be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant must provide proof of publication to the Department, at 13051 North Telecom Parkway, Temple Terrace, FL within fourteen days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department intends to issue the permit with the attached conditions unless as a result of public comment appropriate changes are made.

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE: Rinker Materials Corporation
FACILITY: Florida Crushed Stone-St. Catherine's Mine

PA FILE NUMBER: FL0135372-005-IW3S

Any interested person may submit written comments on the proposed permitting decision of the Department or may submit a written request for a public meeting to Industrial Wastewater Program, Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 in accordance with Rule 62-620.555, Florida Administrative Code. The comments or request for a public meeting must contain the information set forth below and must be received in the Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926. Comments from the permit applicant and the persons listed below must be received within 30 days of receipt of this draft permit. Comments submitted by other persons must be received within 30 days of publication of the public notice. Failure to submit comments or request a public meeting within this time period shall constitute a waiver of any right such person may have to submit comments or request a public meeting under Rule 62-620.555, Florida Administrative Code.

The comments or request for a public meeting must contain the following information:

(a) The commenter's name, address, and telephone number, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;

(b) A statement of how and when notice of the Department's action or proposed action was received;

(c) A statement of the facts the Department should consider in making the final decision;


(d) A statement of which rules or statutes require reversal or modification of the Department's action or proposed action; and

(e) If desired, a request that a public meeting be scheduled including a statement of the nature of the issues proposed to be raised at the meeting. However, the Department may not always grant a request for a public meeting. Therefore, written comments should be submitted within 30 days of receipt of this notice, even if a public meeting is requested.

If a public meeting is scheduled, the public comment period is extended until the close of the public meeting. If a public meeting is held, any person may submit oral or written statements and data on the proposed action of the Department at the public meeting. As a result of significant public comment the Department final action may be different from the position taken by it in this draft permit.

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Jeffrey S. Greenwell, P.E.
Water Facilities Administrator
Southwest District

PERMITTEE: Rinker Materials Corporation
FACILITY: Florida Crushed Stone-St. Catherine's Mine

PA FILE NUMBER: FL0135372-005-IW3S

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF DRAFT PERMIT and all copies were mailed before the close of business to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated deputy clerk, receipt of which is hereby acknowledged.

Jacqueline M. Price *3-1-06*
[Clerk] [Date]

cc: Allen Hubbard, P.E., FDEP-IW/TAL
Chuck Ziegmont, FDEP-NPDES/TAL
Ilia Balcom, FDEP-IW/CE
Lori Pillsbury, FDEP
Jim Valade, U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers
National Marine Fisheries Service
Florida Department of State, Division of Historical Preservation
James Antista, Esq., Florida Fish and Wildlife Conservation Commission
D. Ray Eubanks, Florida Department of Community Affairs, Florida Coastal Zone Section
Mark R. Stephens, P.G., P.E., The Colinas Group, Inc.
Ray and Deborah Dickinson
John Parker, SWFWMD, Brooksville Office
Ms. Nancy Lopez
Howard Hayes, FDEP-Bureau of Mine Reclamation
Mr. Anthony Perrone

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF DRAFT SUBSTANTIAL REVISION

The Department of Environmental Protection gives notice of its preparation of a substantial permit revision for Florida Crushed Stone-St. Catherine's Mine to Mr. Matt Mouncey, 100 Lem Carnes Road, Davenport, FL 33837 to operate an industrial wastewater treatment and disposal system for a limestone mine. The operation consists of dewatering the active mine quarries through the use of pumps that discharge the water to a series of inactive quarries. These inactive quarries are 70 to 90 feet deep and make up the settling/treatment system for the mining operation. Water re-circulates through the treatment system by gravity through two culverts constructed under County Road 673 until it reaches Outfall D-001 in the northeast corner of Quarry No. 1. Outfall D-002 on the east side of Inactive Quarry A will be used as an emergency only discharge location during abnormal hydrogeological conditions (discharge at an elevation above 57.1 feet NGVD). Small fine particles of clay and limestone are suspended in the water during mining operation and then settle out of the water column. The system allows for substantial recharge back into the aquifer. Excess wastewater flows through Outfall D-001 or Outfall D-002 along Corbett Run and finally to Corbett Sink. The facility is located at latitude 28°36'5" N, longitude 82°10'15" W on 3919 County Road 673, Bushnell, FL 33513 in Sumter County.

Any interested person may submit written comments on the draft permit of the Department or may submit a written request for a public meeting to Industrial Wastewater Program, Southwest District, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926 in accordance with rule 62-620.555 of the Florida Administrative Code. The comments or request for a public meeting must contain the information set forth below and must be received in the Southwest within 30 days of publication of this notice. Failure to submit comments or request a public meeting within this time period shall constitute a waiver of any right such person may have to submit comments or request a public meeting under Rule 62-620.555, Florida Administrative Code.

The comments or request for a public meeting must contain the following information:

- (a) The commenter's name, address, and telephone number, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when notice of the Department action or proposed action was received;
- (c) A statement of the facts the Department should consider in making the final decision;
- (d) A statement of which rules or statutes require reversal or modification of the Department action or proposed action; and
- (e) If desired, a request that a public meeting be scheduled including a statement of the nature of the issues proposed to be raised at the meeting. However, the Department may not always grant a request for a public meeting. Therefore, written comments should be submitted within 30 days of publication of this notice, even if a public meeting is requested.

If a public meeting is scheduled the public comment period is extended until the close of the public meeting. If a public meeting is held any person may submit oral or written statements and data at the meeting on the Department proposed action. As a result of significant public comment the Department final action may be different from the position taken by it in this draft permit.

The permit application file and supporting data are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at Southwest District, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926 at (813) 632-7600.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

DRAFT

PERMITTEE:

Rinker Materials Corporation
100 Lem Carnes Road
Davenport, FL 33837

PERMIT NUMBER:

FL0135372 (Minor)

PA FILE NUMBER:

FL0135372-005-IW3S

ISSUANCE DATE:

EXPIRATION DATE:

November 30, 2008

RESPONSIBLE AUTHORITY:

Mr. Matt Mouncey
Environmental Manager

FACILITY:

Florida Crushed Stone-St. Catherine's Mine
3919 County Road 673
Bushnell, FL 33513
Sumter County

Latitude: 28° 36' 10.57" N Longitude: 82° 10' 23.29" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

This facility processes limestone.

WASTEWATER TREATMENT:

This permit is for the operation of an industrial wastewater treatment and disposal system for a limestone mine. The operation consists of dewatering the active mine quarries through the use of pumps that discharge the water to a series of inactive quarries. These inactive quarries are 70 to 90 feet deep and make up the settling/treatment system for the mining operation. Water re-circulates through the treatment system by gravity through two culverts constructed under County Road 673 until it reaches Outfall D-001 in the northeast corner of Quarry No. 1. Outfall D-002 on the east side of Inactive Quarry A will be used as an emergency only discharge location during abnormal hydrogeological conditions (discharge at an elevation above 57.1 feet NGVD). Small fine particles of clay and limestone are suspended in the water during mining operation and then settle out of the water column. The system allows for recharge back into the aquifer. Excess wastewater flows through Outfall D-001 or Outfall D-002 along Corbett Run and finally to Corbett Sink.

"More Protection, Less Process"

Printed on recycled paper.

PERMITTEE: Rinker Materials Corporation
FACILITY: Florida Crushed Stone-St. Catherine's Mine

PA FILE NUMBER: FL0135372-005-IW3S

EFFLUENT DISPOSAL:

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Surface Water Discharge:

A monthly average combined flow from both D-001 and D-002 shall not exceed the limit listed in Water Use Permit (Permit No. 208891) discharged to Corbett Run and Corbett Sink (Class III Fresh waters). Outfalls D-001 and D-002 are located approximately at latitude 28° 36' 05" N, longitude 82° 10' 15" W and latitude 28° 36' 25" N, longitude 82° 10' 02" W, respectively.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 17 of this permit.

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I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge non-process wastewater and stormwater from Outfall D-001. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Minimum	Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	See Condition I.A.6	--	Report	Continuous	Calculated	FLW-1
pH (SU)	--	6.0	8.5	Monthly, When Discharging	Grab	EFF-1
Turbidity (NTU)	--	--	29	Monthly, When Discharging	Grab	EFF-1
Specific Conductance (UMHO/CM)	--	--	1275	Monthly, When Discharging	Grab	EFF-1
Temperature (C), Water (DEG.C)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Chloride (as Cl) (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Fluoride, Total (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Sulfate, Total (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Sodium, Total Recoverable (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Aluminum, Total Recoverable (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Lead, Total Recoverable (UG/L)	--	See Condition I.A.7	Report	Monthly, When Discharging	Grab	EFF-1
Hardness, Total (as CaCO3) (MG/L)	--	See Condition I.A.7	--	Monthly, When Discharging	Grab	EFF-1
Oil and Grease (MG/L)	--	--	5.0	Monthly, When Discharging	Grab	EFF-1
Petrol Hydrocarbons, Total Recoverable (PPB)	--	--	Report	Monthly, When Discharging	Grab	EFF-1
Acute Whole Effluent Toxicity	See Permit Condition I.A.3					EFF-1

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2. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.1 and as described below:

Sample Point	Description of Monitoring Location
FLW-1	At the point of discharge from Inactive Quarry No. 1 to Corbett Run.
EFF-1	At the point of discharge from Inactive Quarry No. 1 to Corbett Run.

3. The permittee shall initiate the series of tests described below **every other month when discharging**, to evaluate whole effluent toxicity of the discharge from Outfall 001. All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012, or the most current edition.

The control water and dilution water used will be moderately hard water as described in EPA-821-R-02-012, Table 7, or the most current edition. A standard reference toxicant (SRT) quality assurance (QA) test shall be conducted concurrently, or no more than 30 days before the date of the "routine" test, with each species used in the toxicity tests. The results of all toxicity tests shall be submitted with the monthly discharge monitoring report (DMR). Any deviation from the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

a. Routine Acute Toxicity Testing:

1. The permittee shall conduct 96-hour acute static-renewal multi-concentration (definitive) toxicity tests using the daphnid, *Ceriodaphnia dubia*, and the bannerfish shiner, *Cyprinella leedsii*. All tests shall be conducted using both species on a single grab sample collected at the outfall during a discharge event.
2. All "routine" tests shall be conducted using a control (0% effluent) and a minimum of the following five effluent concentrations: 100%, 50%, 25%, 12.5% and 6.25%.
3. If control mortality exceeds 10% for either species in any test, the test(s) for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 10% for either species. If, in any separate grab sample test, 100% mortality occurs prior to the end of the test, and the control mortality is less than 10% at the time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable acute toxicity. Additionally, each test must meet the acceptability criteria as defined in EPA-821-R-02-012, Section 9.17, Table 12 and 14, respectively.
4. A 96-hour LC₅₀ of less than 100% effluent in any "routine" or additional definitive test will constitute a violation of these permit conditions and Rule 62-302.200(1), Rule 62-302.500(1)(a)4, and Rule 62-4.244(3)(a), F. A. C.
5. The toxicity tests specified above shall be conducted every other month when discharging. Sample shall be collected during actual discharge events. These tests are referred to as "routine" tests. These tests shall be conducted during each discharge event unless otherwise directed by the Department.

a. Reporting:

1. Results from "routine" tests shall be reported according to EPA-821-R-02-012, Section 12, Report Preparation (or the most current edition), and shall be submitted to:

Florida Department of Environmental Protection
Southwest District Office
Industrial Wastewater Program

PERMITTEE: Rinker Materials Corporation
FACILITY: Florida Crushed Stone-St. Catherine's Mine

PA FILE NUMBER: FL0135372-005-IW3S

Attention: Compliance/Enforcement
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

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2. Additionally, all results shall be recorded and submitted on the Discharge Monitoring Report (DMR) for the month in which the test began.

b. Additional Acute Toxicity Testing:

1. If unacceptable acute toxicity (a LC_{50} of less than 100%) is found in a "routine" test, and the facility is continuing to discharge, the permittee shall conduct two additional multi-concentration acute toxicity tests in the same manner as the "routine" test on the specie(s) indicating unacceptable toxicity. If the permittee is unable to conduct the additional definitive acute toxicity tests due to the cessation of discharge, the permittee must contact the Department immediately at (813) 744-6100 for guidance.
2. If a toxicity failure is found in a "routine" test, the permittee shall meet with the Department within 30 days of the report following the failed test to identify corrective actions necessary to remedy the observed acute toxicity violations or conduct companion chemistry analyses with the next two discharge events. A sample of sufficient size for chemistry analyses shall be taken concurrently with each bioassay sample. The chemistry analyses shall include the permit-required effluent limitations and monitoring requirements as stated in Permit Condition I.A.1.
3. For each additional test, the sample collection requirements and test acceptability criteria specified in section a. Routine Acute Toxicity Testing above must be met for the tests to be considered valid. If the facility is discharging, the first test shall begin immediately upon the determination of acute toxicity during the "routine" test, and shall be conducted immediately thereafter until two additional, valid tests are completed. The additional tests will be used to determine if the toxicity found in the "routine" test is still present. All test results shall be statistically analyzed according to Section 11 in EPA-821-R-02-012.
4. Results from additional tests, required due to an acute toxicity violation in the "routine" test(s), shall be submitted in a single report prepared according to EPA-821-R-02-012, Section 12, Report Preparation, or the most current edition, and submitted within 45 days of completion of the second additional, valid test. Additionally, all results shall be recorded and submitted on the Discharge Monitoring Report (DMR) for the month in which the test was initiated.
5. If two successive toxicity tests result in test failure then the permittee shall submit to the Department within 30 days of the report submittal, a plan that identifies potential source(s) of and corrective action(s) necessary to remedy the acute toxicity.
6. The toxicity tests specified above shall be conducted monthly when discharging until six (6) consecutive valid sampling events are completed. These tests are referred to as "routine" tests. Upon completion of six (6) consecutive valid tests, which demonstrate no toxicity has been identified, the permittee shall submit to the Department a request for a reduction in monitoring frequency.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts.
5. The discharge shall not cause a visible sheen on the receiving water.
6. A monthly average combined flow entering Corbett Run from both D-001 and D-002 shall not exceed the limit listed in Water Use Permit (Permit No. 208891) for this facility.
7. The limit for Lead, Total Recoverable shall be calculated using the following equation:

$$Pb < e(1.273[\ln H]-4.705)$$

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Total hardness shall be measured at the time of the effluent sample. The "ln H" means the natural logarithm of total hardness expressed as milligrams/L of CaCO₃. This equation can only be applied for hardness in the range of 25 MG/L to 400 MG/L as CaCO₃. If the total hardness is below 25 MG/L, the permittee shall use 25 MG/L for total hardness in the equation and if the hardness is above 400 MG/L, the permittee shall use 400 MG/L for total hardness in the equation.

8. During the period beginning upon placing the system into operation and lasting through the expiration date of this permit, the permittee is authorized to discharge non-process wastewater and stormwater from Outfall D-002 only during abnormal hydrogeological conditions. The permittee shall notify the Department at least 24 hours before discharging from Outfall D-002. Such discharge shall be limited and monitored by the permittee as specified below:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Minimum	Daily Maximum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	See Condition I.A.6	--	Report	Continuous	Calculated	FLW-2
pH (SU)	--	6.5	8.5	Monthly, When Discharging	Grab	EFF-2
Turbidity (NTU)	--	--	29	Monthly, When Discharging	Grab	EFF-2
Specific Conductance (UMHO/CM)	--	--	1275	Monthly, When Discharging	Grab	EFF-2
Temperature (F), Water (DEG.F)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Chloride (as Cl) (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Fluoride, Total (as F) (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Sulfate, Total (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Sodium, Total Recoverable (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Aluminum, Total Recoverable (MG/L)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Lead, Total Recoverable (UG/L)	--	--	See Cond. I.A.7.	Monthly, When Discharging	Grab	EFF-2
Hardness, Total (as CaCO ₃) (MG/L)	--	--	Report See Cond. I.A.7	Monthly, When Discharging	Grab	EFF-2
Oil and Grease (MG/L)	--	--	5.0	Monthly, When Discharging	Grab	EFF-2
Petrol Hydrocarbons, Total Recoverable (PPB)	--	--	Report	Monthly, When Discharging	Grab	EFF-2
Acute Whole Effluent Toxicity	See Permit Condition I.A.3			--	--	--

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9. Effluent samples shall be taken at the monitoring site locations listed below:

Sample Point	Description of Monitoring Location
FLW-2	At point of discharge from Inactive Quarry A.
EFF-2	At the point of discharge from Inactive Quarry A.

B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

1. This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods and method detection limits (MDLs) applicable to this permit shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantification limits), which is titled "Florida Department of Environmental Protection Table as Required By Rule 62-4.246(4) Testing Methods for Discharges to Surface Water" dated June 21, 1996, is available from the Department on request. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
 - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
 - b. The laboratory reported PQL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide a PQL, which is equal to or less than the applicable water quality criteria stated in 62-302 FAC; and
 - c. If the PQLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated PQL shall be used.

Where the analytical results are below method detection or practical quantification limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. However, where necessary, the permittee may request approval for alternative methods or for alternative MDLs and PQLs for any approved analytical method, in accordance with the criteria of Rules 62-160.520 and 62-160.530, F.A.C.

2. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee

PERMITTEE: Rinker Materials Corporation
FACILITY: Florida Crushed Stone-St. Catherine's Mine

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shall complete and submit to the Southwest District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 31	April 28
	April 1 – June 30	July 28
	July 1 – September 30	October 28
	October 1 – December 31	January 28
Semiannual	January 1 – June 30	July 28
	July 1 – December 31	January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the original completed DMR form(s) to the address specified below: (Please submit a copy of the DMR to the Southwest District Office)

Originals to:

Department of Environmental Protection
Wastewater Compliance Evaluation Section
Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies to:

FDEP-Southwest District
Industrial Wastewater Program
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Facsimile (813) 632-7600

- 3 Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Southwest District Office at the address specified below:

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Phone Number - (813) 632-7600

FAX Number - (813) 632-7662 (All FAX copies shall be followed by original copies.)

4. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C. [62-620.305, 10-23-00].
5. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
6. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
7. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.

II. Industrial Sludge Management Requirements

1. This section is not applicable to this facility.

III. Ground Water Monitoring Requirements

1. This section is not applicable to this facility.

IV. Other Land Application Requirements

1. This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;
 - e. A copy of any required record drawings;
 - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. The following compliance schedule shall be followed, unless notification of a schedule revision is provided and acceptable to the Department:

Action Item		Scheduled Completion Date
1	Continue Implementing Existing BMP Plan	Issuance Date of Permit

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2. The permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained	Issuance Date of permit
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3. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southwest District Office, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. This section is not applicable to this facility.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices

1. BMP Plan:

For purposes of this part, the terms "pollutant" or "pollutants" refer to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act (the "Act"), oil, as defined in Section 311(a)(1) of the Act, and any substance listed as hazardous under Section 311 of the Act. The permittee shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes, the potential for the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material

handling areas; loading and unloading operations; and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. **Implementation:**

The existing BMP plan shall be implemented in accordance with the schedule contained in Part VI of this permit.

3. **General Requirements:**

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
- b. Establish specific objectives for the control of pollutants.
 - (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural conditions (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
- c. Establish specific best management practices to meet the objectives identified under paragraph (b) of this subsection, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented.
- d. Be reviewed by plant engineering staff and plant manager.

4. **Documentation:**

The permittee shall maintain the BMP plan at the facility and shall make the plan available to the Department upon request.

5. **BMP Plan Modification:**

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

6. **Modification for Ineffectiveness:**

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of pollutants to surface waters and the specific objectives and requirements under paragraphs (b) and (c) of item 3, the permit shall be subject to modification pursuant to rule 62-620.325, F.A.C., to incorporate revised BMP requirements.

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E. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
 - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
 - b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitute grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]

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3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5), F.A.C.]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6), F.A.C.]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7), F.A.C.]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8), F.A.C.]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. [62-620.610(9), F.A.C.]
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10), F.A.C.]

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11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance. *[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C. and 40CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

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- c. Calculations for all limitations, which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300, F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Field activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19), F.A.C.]
20. The permittee shall report to the Department's Southwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
 1. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 4. Any unauthorized discharge to surface or ground waters.
 - b. Oral reports as required by this subsection shall be provided as follows:
 1. For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);

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- (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
2. Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to Department's Southwest District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Southwest District Office shall waive the written report. *[62-620.610(20), F.A.C.]*
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII.18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII.20 of this permit. *[62-620.610(21), F.A.C.]*
22. Bypass Provisions:
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - 3. The permittee submitted notices as required under Condition VIII.22.b of this permit.
 - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20 of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
 - c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a.(1) through (3) of this permit.

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- d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a through c. of this permit. [62-620.610(22), F.A.C.]

23. Upset Provisions:

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required in Condition VIII.20 of this permit; and
 4. The permittee complied with any remedial measures required under Condition VIII.5 of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. [62-620.610(23), F.A.C.]

Executed in Tampa.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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Jeffrey S. Greenwell, P.E.
Water Facilities Administrator
Southwest District